



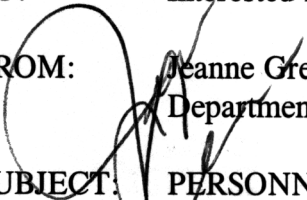
DEPARTMENT OF PERSONNEL

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MEMO PERD #26/04

July 28, 2004

TO: Interested Parties

FROM:  Jeanne Greene, Director
Department of Personnel

SUBJECT: PERSONNEL COMMISSION MEETING MINUTES

Attached are the minutes from the June 25, 2004, Personnel Commission meeting. These minutes have not been approved and are subject to revision at the next meeting of the Personnel Commission on October 1, 2004.

JG:sq

Attachment

cc: Agency Personnel Liaisons
Agency Personnel Representatives

**PERSONNEL COMMISSION
MEETING MINUTES OF JUNE 25, 2004**

**MEMO PERD #26/04
July 28, 2004**

I. Call to Order

Chairman Claudette Enus called the meeting to order at 8:06 a.m., June 25, 2004, at the Legislative Building, 401 S. Carson Street, Carson City, with video conferencing to the Grant Sawyer Building, Las Vegas. Members present: Chairman Claudette Enus and Commissioners David Sánchez, Jack Eastwick, Katherine Fox, and David Read. Also in attendance were James Spencer, Senior Deputy Attorney General, and Jeanne Greene and Carol Thomas from the Department of Personnel.

II. *Adoption of Agenda

Commissioner Fox's motion to adopt the agenda was seconded by Commissioner Sánchez and unanimously carried.

III. * Adoption of Minutes of the previous meeting

The minutes of the March 19, 2004, meeting were unanimously approved.

IV. *Classes Subject to Pre-employment Screening of Controlled Substances

*Department of Transportation (select positions only) -
Telecommunications Coordinator I and II
Communications Systems Specialist II
Information Systems Manager I
Computer Network Specialist II and III*

Marilyn Yezek, Human Resources Manager, Department of Transportation, provided a brief overview on those classes that would require pre-employment screening. Only those select positions associated with the radio system utilized with the Highway Patrol and local law enforcement entities would require the screening.

Commissioner Sánchez asked Ms. Greene if there was a standard protocol for drug testing and if so, what was it. Ms. Greene replied the State maintained a contract with a laboratory that conducted the testing. If the employee tested positive, they were contacted to ascertain if the resulting positive test was due to any medication they were currently taking.

Commissioner Fox's motion to approve the classes for pre-employment screening was seconded by Commissioner Sánchez and unanimously approved.

V. *Prohibitions and Penalties
 Department of Transportation

Ms. Yezek explained the changes to the agency's prohibitions and penalties were either refinements or adoptions of prohibitions and penalties used by other agencies that were needed by the Department of Transportation.

Commissioner Sánchez's motion to approve the Prohibition and Penalties as presented was seconded by Commissioner Eastwick and unanimously approved.

(At this time, the record reflects the Commission has just been joined by Commissioner David Read who apologized for his tardiness.)

VI. *Approval of Occupational Group Study Revised Class Specifications

Mary Day, Supervisory Personnel Analyst, Department of Personnel, explained the following classes to be approved were reviewed and revised through the occupational group study process. She stated there would be a few classes which would become effective July 1, 2005, due to funding from the Legislature; but for the most part, the specifications would be effective immediately upon Commission approval.

A. Engineering & Allied occupational group

1. Engineering subgroup

- a. Highway Project Manager, RPE
- b. Assistant Transportation Director
- c. Contract Compliance Manager
- d. Staff I & II, Associate Engineer

With regards to the Highway Project Manager, RPE, two obsolete options were removed and the title changed to reflect the only remaining option. The Department of Transportation (DOT) had requested a pilot project be initiated in the area of education and experience to allow DOT to evaluate an individual's application based on type and level of work performed rather than a specific number of years. There would be two classes experimenting with the new approach to minimum qualifications.

In response to questions from the Commission, Ms. Day stated although no recruitment was planned for this time, the idea was to establish a very structured evaluation criteria for the extensive experience needed. Subject Matter Experts (SMEs) from the DOT would also be available to review applications and determine the sort of experience an applicant has.

Commissioner Sánchez asked if there was a standard or criteria for determining "extensive" and if the engineers would be determining that definition, to which Ms. Yezek responded no, it would be those managing the classification under recruitment, and DOT would be looking for *depth* of experience and not simply *years* of experience. A supplemental questionnaire to an application would be used to determine varied depth of work experience.

Ms. Day provided additional updates to the following classes:

- Assistant Transportation Director class would also be included as part of the pilot project as far as education and experience requirements. Minor updates to the class specification were also made.
- The Assistant Director, Planning and Program Development specification was withdrawn at the request of NDOT and was not acted on.
- The Contract Compliance Manager was updated to reflect current terminology. It was recommended it be moved to a different subgroup, "Construction Services" since it was not a registered professional engineer position.
- Staff II, Associate Engineer and Staff I, Associate Engineer have been consolidated with clarification of the distinctions between the two levels. The benchmark descriptions, with the assistance of Subject Matter Experts, were updated.

2. Engineering Support Services subgroup

a. Engineering Technician series

Ms. Day explained that the class had been restructured and the benchmark descriptions had been pulled out and placed into a separate document, which would make the class specifications easier to use.

3. Environmental & Land Use Services subgroup

- a. Land Use Planner series
- b. Deputy Administrator, Environmental Programs
- c. Bureau Chief, Environmental Programs

With regards to the Land Use Planner series, Ms. Day explained significant restructuring had occurred within the State Lands Division and positions no longer functioned as they did when the last occupational study was conducted and class concepts were modified to reflect levels of independence. The recommendation results in a fiscal impact, requires funding by the Legislature, and will be effective July 1, 2005.

She stated the Deputy Administrator, Environmental Programs, had been updated to reflect current structure in the Division of Environmental Protection and the title was changed to better reflect the level of responsibility. Two positions did not require licensure as a professional engineer and the class was moved to the "Environmental and Land Use Services subgroup". The Bureau Chief, Environmental Programs was also updated and was moved to the aforementioned subgroup.

4. Equipment Design & Maintenance subgroup

a. Development Technician series

Ms. Day explained titles were changed to reflect consistency within the class plan; minor updates made to the duty statements; minimum qualifications modified slightly to reflect true equivalencies.

Commissioner Eastwick's motion to approve the Engineering & Allied occupational group specifications was seconded by Commissioner Read and unanimously approved.

B. Mechanical & Construction occupational group

1. Equipment Operations subgroup

a. Driver Warehouse Worker series

Requires Personnel Commission approval of pre-employment screening for controlled substances

Minor updates were made to this class and the requirements Commercial Driver's License were clarified in the education and experience section. In addition to approving the class specifications, the Commission was asked to approve the requirement for drug screening for all positions in the series.

2. Equipment Management, Maintenance & Repair subgroup

a. Highway Equipment Mechanic Supervisor series

b. Highway Equipment Mechanic series

c. Equipment Mechanic series

Requires Personnel Commission approval of pre-employment screening for controlled substances for all positions located within the Department of Conservation and Natural Resources, Forestry Division

Minor updates and refinements were made to the duty statements, Knowledge, Skills and Abilities (KSAs), and Special Notes & Requirements of the aforementioned classes. In the Highway Equipment Mechanic Supervisor series, the class concepts for the I level were broadened to describe all positions within the class. In addition to approving the class specifications for Equipment Mechanic, the Commission was asked to approve drug screening for all positions located within the Division of Forestry.

3. Skilled Trades & Allied subgroup

a. Craft Worker-in-Training

The class series had been approved by the Personnel Commission last September; however, a request was made from the Human Resources Manager at the University of Nevada, Las Vegas, to add an equivalency statement to provide them with the flexibility in the event that someone had taken vocational coursework rather than going through the standard apprenticeship.

4. Semi-skilled General Labor subgroup

a. Art Preparator

b. Temporary Aid series

c. Exhibit Technician

Minor updates to the duty statements and KSAs were made based on suggestions by Subject Matter Experts to the aforementioned classes. Regarding the Exhibit Technician, the primary change to the specification was the removal of the duty statement pertaining to building repairs and electrical and plumbing.

5. Buildings & Grounds Maintenance subgroup

a. Facility Attendant

Ms. Day explained this class primarily dealt in the area of general security. Minor updates were made to the KSAs and the requirement for a high school diploma was added.

6. Graphics, Printing & Reproductive subgroup

- a. Duplicating Machine Operator series
- b. Offset Press Operator
- c. Reprographics Technician series
- d. Microfilm Operator series
- e. Offset Machine Operator series

Ms. Day explained that with regards to the Duplicating Machine Operator the duty statements had been updated to reflect modern technology and the highest level in the series was removed. Similarly, the Offset Press Operator was updated and three levels were recommended to be abolished. A description of how the Offset Press Operator was distinguished from the Offset Machine Operator was added.

A title change was made to Reprographics Technician from Composing Technician to reflect technology and because incumbents were not utilizing composing equipment. In addition, it was previously a four-level series; however, the third and fourth levels were not currently being used and it was recommended those levels be abolished.

Updates to duty statements, class concepts and minimum qualifications were made to the Microfilm Operator series.

Updates to duty statements and KSAs were made to the Offset Machine Operator series, and the supervisory level was retitled for consistency.

In response to Commissioner Eastwick's and Sánchez's inquiries, Ms. Day explained incumbents would not be directly impacted by the changes. Changes and refinements were made to reflect the duties currently performed.

Commissioner Eastwick's motion to approve the changes as presented was seconded by Commissioner Sánchez and unanimously approved.

C. Social Services & Rehabilitation occupational group

1. Rehabilitation subgroup

a. Rehabilitation Counselor series

b. Substance Abuse Counselor series

Requires Personnel Commission approval of pre-employment screening for controlled substances

Ms. Day explained the Rehabilitation Counselor series had experienced dramatic changes and a one-grade increase was recommended for each level within the series. The Division of Rehabilitation developed a state plan that had been submitted to the federal government. In the state plan, the division had indicated it would hire only individuals eligible to sit for a national examination requiring a Master's degree and a 600-hour internship, which resulted in a marked increase in the level of requirements for the incumbents. The division also restructured and combined what used to be two separate bureaus. As a result of the changes, the incumbents perform work described as counseling and not merely coordinating services and referring individuals to other entities. It was recommended that the title be changed from Rehabilitation Coordinator to Rehabilitation Counselor. The effective date of the aforementioned changes will be July 1, 2005, following funding by the Legislature.

Regarding the Substance Abuse Counselor, classes previously described separately were consolidated and an intern level was added. Modifications were made to the education and experience that changed as a result of changes to state law. Following approval of the class specifications, the Commission was asked to approve drug screening for all positions in the class.

Commissioner Read's motion to approve the recommended changes as presented was seconded by Commissioner Eastwick and unanimously approved.

VII. Uncontested Classification Action Report

No vote required.

VIII. *Selection of Hearings Officers - *Applications from the following individuals have been received:*

<i>Angela D. Cartwright**</i>	<i>Daniel S. Hussey**</i>	<i>James Vilt Jr.</i>
<i>Malachy T. Coghlan**</i>	<i>Bill Kockenmeister**</i>	<i>John L. Wright</i>
<i>Dana Cotham</i>	<i>Patrick Leverty</i>	
<i>David R. Ford**</i>	<i>Valerie A. Macris**</i>	
<i>Jill L. Greiner**</i>	<i>H. Jill Smith**</i>	
<i>C.W. Hoffman Jr.</i>	<i>Thomas J. Tanksley</i>	

**Indicates candidates recommended by the Sub-Committee

Vivian Kuhn, Personnel Analyst, stated she coordinated the recruitment for the southern and northern alternate hearings officer positions. Recruitment advertisements had been placed in four attorney-association newsletters which included the State Bar of Nevada, Clark County Bar Association, Washoe County Bar Association and the Nevada Trial Lawyers Association and resumes were received from fourteen attorneys. A sub-committee consisting of Commissioner David Read, Senior Deputy Attorney General Jim Spencer, and Vivian Kuhn met in an open meeting to review the resumes and identify the most qualified candidates for each position. The criteria used included Nevada licensure, administrative law experience, experience in personnel disciplinary matters, experience with the Nevada State system, recency of experience and bid for

cost per hour. As a result of this review, eight candidates were referred to the Commission for interviews.

Commissioner Enus stated there were four candidates referred for the southern Hearing Officer position: Angela Cartwright, Daniel Hussey, Valerie Macris and H. Jill Smith. She asked each candidate, in the order they were named, to come forward and provide an overview on background and experience.

Angela Cartwright related her background and experience to the Commission, which included graduation from University of Cincinnati College of Law in 1987; associate in private law firms practicing labor management and employment law, worker's compensation law, arbitration and litigation, collective bargaining negotiation, unlawful termination; an internship for a federal district judge; and 17 years of practicing administrative law. Her appointment as a hearing officer for the south included scheduling and convening hearings, addressing discovery issues and mediating to resolve issues. She also had experience providing employers with advice and counsel on personnel-related discipline and termination matters.

Valerie Macris provided a background overview which included an undergraduate degree from Utah in Psychology; Joint J.D./M.B.A. from the Utah College of Law and College of Business; and service as a judicial intern. She served as an Administrative Hearings Officer with the Utah Department of Human Services in which she conducted hearings involving child support enforcement, welfare fraud and employee disputes, and juvenile disciplines within lockdown. She also worked privately as an in-house counsel. She currently works for a law firm.

Commissioner Sánchez inquired if Ms. Macris had any experience as a Hearing Officer in Nevada, to which she responded no, she did not.

Daniel Hussey related his background to the Commission which included graduation from UNLV with a degree in Business Administration and Economics and UCLA Law School; clerking for a district court judge in Las Vegas; work in private practice; Chief Prosecutor for the City Attorney's Office; 10 years on the Personnel Commission in the 1970's; legal counsel for the school district; and alternate hearings officer for southern Nevada. He stated he was currently retired and loved to practice law.

Jill Smith stated she has been an attorney in the State of Nevada for approximately 17 years. Her relevant work experience with respect to administrative hearings included serving as a hearing officer for a Chapter 13 Trustee in Nevada and for the U.S. Department of Justice. She has had extensive experience in federal court and state judicial proceedings, alternative dispute resolution forums and administrative hearings, and served as a litigation director for a non-profit law center. She was familiar with federal law as it related to personnel matters, Medicaid and the Americans with Disabilities Act (ADA), and issues and matters relating thereto.

Aside from Ms. Smith's bankruptcy and ADA experience, Commissioner Sánchez asked if Ms. Smith had any experience as a hearing officer in other labor law matters, to which she responded she did not.

Commissioner Read's motion to appoint Mr. Hussey as the Hearings Officer for southern Nevada was seconded by Commissioner Sánchez and unanimously approved. Mr. Hussey withdrew his application for alternate.

Angela Cartwright stated she desired to continue her appointment as an alternate hearing officer for the south and provided reasons which included her goal to get cases resolved within 6 months including any potential continuances due to scheduling conflicts.

David Ford related his interest as an alternate and provided some background information which included practicing as a trial attorney in the court systems for over 20 years; and presently, he sat on a panel of attorneys representing police officers in which he represented police officers during disciplinary hearings, grievances, and/or arbitrations.

Commissioner Read's motion to appoint Angela Cartwright for Southern Alternate Hearing Officer was seconded by Commissioner Sánchez. Motion died.

Commissioner Eastwick's motion to appoint Mr. Ford as Alternate Hearings Officer for southern Nevada was seconded by Commissioner Fox and approved with a 4 to 1 vote. Mr. Ford withdrew his application for northern alternate hearing officer.

Jill Griner provided a brief overview of her experience which included graduation from Santa Clara University Law School; clerking for the Washoe District County Court and District Attorney's office; civil work for the DA's office; and appellate legal defender, which involved writing appeals. In 1998, she served as a hearing officer for the education system. She stated currently she was an associate trial judge for the Reno/Sparks Indian Colony wherein she conducts administrative-type hearings relating to housing matters. She conveyed to the Commission that she enjoyed being a hearings officer and rendering fair and impartial decisions, as well as clear and concise conclusions.

Commissioner Sánchez inquired about Ms. Griner's experience as a legislative intern with an assemblyman and about her tribal experience. Ms. Griner stated that she performed a great deal of research as well as constituent outreach work. Regarding her experience as an associate tribal judge, she conducts hearings related to criminal and civil cases and housing cases, and writes decisions. She indicated she had no direct experience with personnel disciplinary actions.

Bill Kockenmeister related his background to the Commission which included graduation from McGeorge School of Law; 10 years with the Public Utilities Commission as general counsel, wherein he provided legal advice, dealt with personnel issues, and represented the commission in court proceedings; familiarity with the Nevada Administrative Procedures Act; service as Chief Regulatory Counsel for the pipeline subsidiary for Enron; general counsel for a not-for-profit R & D organization; and Chief Judge for Washoe Tribal Court and Paiute Tribal Court. He stated he enjoyed adjudicating and rendering decisions in a fair and impartial manner.

Malachy Coghlan was not present at the meeting but provided documentation for the Personnel Commission to review.

Commissioner Read's motion to nominate Malachy T. Coghlan died for lack of a second. Commissioner Read's motion to nominate Bill Kockenmeister was seconded by Commissioner Eastwick and approved.

IX. Special Reports

Jeanne Greene, Director, Department of Personnel announced the retirement of Chief of Field Services, Mary Ellen Komac at the end of July. Peter Long has been appointed to take her place.

X. Comments by the General Public

None.

XI. Select Date for Next Meeting

Next meeting set for October 1, in Las Vegas.

XII. *Adjournment

Commissioner Read's motion to adjourn the meeting at 9:50 a.m. was seconded by Commissioner Fox and unanimously approved.